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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GAINER et al

Atty. Ref.: 4112-7

Serial No. 10/647,132

TC/A.U.: 1621

Filed: August 25, 2003

Examiner: Deborah D. Carr

For: BIPOLAR TRANS CAROTENOID SALTS AND THEIR USES

\* \* \* \* \*

February 1, 2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached form PTO/SB/08a. Copies of these references were previously submitted in this application, and are therefore not being submitted with this IDS, with the exception of WO 2005/028411 – that corresponds to the cited EP 1,667,954 A1 that is not available. This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited. Also attached is a copy of the EPO Office Action dated November 9, 2009 in the applicant's European application corresponding to PCT/US03/05521.

Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office not more than three months prior to the filing of the information disclosure statement (except as noted above).

The Examiner is requested to initial the attached form PTO/SB/08a and to return a copy of the initialed document to the undersigned as an indication that the attached has been considered and made of record.

GAINER et al  
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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